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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,322	01/22/2001	Dean James Tricarico	257/236	9368
24112	7590	03/14/2005	EXAMINER	
COATS & BENNETT, PLLC			YUN, EUGENE	
P O BOX 5			ART UNIT	
RALEIGH, NC 27602			PAPER NUMBER	

2682

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/767,322	<b>Applicant(s)</b> TRICARICO, DEAN JAMES	
	<b>Examiner</b> Eugene Yun	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-14 and 19 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/2004 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 7-13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky (US 5,629,693) in view of Bi et al. (US 6,438,380).

Referring to Claim 1, Janky teaches a mobile device, comprising:

a positioner (see LDR in ABSTRACT) configured to determine geographic position information related to the device; and

a transceiver (fig. 4) communicatively coupled to the positioner and having a unique mobile number assigned by a wireless communications system in which the

mobile device operates, the transceiver being configured to receive a position request directed to the unique mobile number (see 2<sup>nd</sup> half of ABSTRACT).

Janky does not teach the transceiver transmitting the geographic position information if the positioner is able to determine the geographic position information and continuously transmitting a tone if the positioner is unable to determine the geographic position information. Bi teaches the transceiver transmitting the geographic position information if the positioner is able to determine the geographic position information (see col. 7, lines 19-25) and continuously transmitting a tone if the positioner is unable to determine the geographic position information (see col. 7, lines 19-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bi to said device of Janky in order to more accurately determine the location of a mobile device without increasing interference for other mobile telephones in the same area.

Referring to Claim 11, Janky teaches a wireless communication system comprising at least one network node and a plurality of wireless devices, each device comprising:

- a positioner (see LDR in ABSTRACT) configured to determine position information related to the device; and

- a transceiver (fig. 4) communicatively coupled to the positioner and having a unique mobile number assigned by the wireless communications system, the transceiver being configured to receive a position request (see 2<sup>nd</sup> half of ABSTRACT).

Art Unit: 2682

Janky does not teach the transceiver transmitting the geographic position information if the positioner is able to determine the geographic position information and continuously transmitting a tone if the positioner is unable to determine the geographic position information. Bi teaches the transceiver transmitting the geographic position information if the positioner is able to determine the geographic position information (see col. 7, lines 19-25) and continuously transmitting a tone if the positioner is unable to determine the geographic position information (see col. 7, lines 19-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bi to said device of Janky in order to more accurately determine the location of a mobile device without increasing interference for other mobile telephones in the same area.

Referring to Claim 19, a method of determining geographic position information of a mobile device that is communicatively coupled to a wireless communication system comprising:

receiving a position request at the mobile device (see 2<sup>nd</sup> half of ABSTRACT). Janky does not teach the mobile device transmitting the geographic position information to the wireless communication system if the mobile device is able to determine its geographic information and continuously transmitting a tone to the wireless communications system, wherein the wireless communications system uses the transmitted tone to triangulate the geographic location of the mobile device if the mobile device is not able to determine the geographic position information. Bi teaches the mobile device transmitting the geographic position information to the wireless

Art Unit: 2682

communication system if the mobile device is able to determine its geographic information (see col. 7, lines 19-25) and continuously transmitting a tone to the wireless communications system, wherein the wireless communications system uses the transmitted tone to triangulate the geographic location of the mobile device if the mobile device is not able to determine the geographic position information (see col. 7, lines 19-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Bi to said device of Janky in order to more accurately determine the location of a mobile device without increasing interference for other mobile telephones in the same area.

Referring to Claim 2, Janky also teaches a GPS receiver (see col. 11, lines 26-28).

Referring to Claim 4, Janky also teaches the positioner and transceiver included on a removable card installed in the device (see figs. 1-3 where the device can be removed from the vehicle).

Referring to Claim 5, Janky also teaches a wireless transceiver (fig. 4).

Referring to Claim 7, Janky also teaches a first power source and a second power source, wherein the first power source is configured to supply power to the device (see col. 4, lines 39-41), and wherein the second power source is configured to continuously supply power to the positioner and to the transceiver (see col. 7, lines 3-5).

Referring to Claim 8, Janky also teaches the first power source configured to supply power to the device, including the positioner and transceiver (see col. 4, lines 39-41), and wherein the second power source is configured to supply power to the

Art Unit: 2682

positioner and the transceiver whenever the first power source is unavailable (see col. 7, lines 3-5).

Referring to Claim 9, Janky also teaches a positioner IC and a transceiver IC (fig. 4).

Referring to Claim 10, Janky also teaches the positioner and transceiver located in a location IC (fig. 4).

Referring to Claim 12, Janky also teaches the transceiver within a particular device activated when a call is placed through the wireless communication system to the mobile number associated with the device, and wherein the location transceiver is configured to obtain the position information from the positioner (see ABSTRACT), and to continuously transmit the position information to the network node, as soon as the location transceiver is activated (see col. 3, lines 52-57)

Referring to Claim 13, Janky also teaches the network node configured to route the position information to a location information center (see ABSTRACT).

4. Claims 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janky and Bi in view of Pace, II (US 5,712,899).

Referring to Claim 6, the combination of Janky and Bi does not teach the wireless transceiver configured to transmit and receive information using at least one of the following communication protocols: CDMA, TDMA, GSM, and WCDMA. Pace teaches the wireless transceiver configured to transmit and receive information using at least one of the following communication protocols: CDMA, TDMA, GSM, and WCDMA

Art Unit: 2682

(see col. 5, line 65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to said device of Janky in order to ensure better signal reception without error.

Referring to Claim 14, the combination of Janky and Bi does not teach the location control center configured to generate a map, and to locate a respective device on the map, based on received position information from the device. Pace teaches the location control center configured to generate a map, and to locate a respective device on the map, based on received position information from the device (fig. 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Pace to said device of Janky in order to more quickly determine the location of a mobile device.

### ***Response to Arguments***

5. Applicant's arguments filed 4/29/2004 have been fully considered but they are not persuasive.

The current wording of the claim does not necessarily state that the mobile transceiver has to make a specific choice on whether it transmits the geographic position information or continuously transmits a tone. The examiner reread through the Bi reference and decided that the reference still reads on the limitations of "the transceiver transmitting the geographic position information if the positioner is able to determine the geographic position information and continuously transmitting a tone if the positioner is unable to determine the geographic position information". In the cited



Art Unit: 2682


passage of the reference, there is a passage that states that "the mobile telephone will **continuously transmit the traffic channel signal** at increasing power levels until it **receives another acknowledgement from the primary base station** or until a 2-second-timer expires". This passage states that the mobile telephone originally transmits a tone continuously until it is able to transmit the geographic position information, which could be immediately if the mobile station immediately receives another acknowledgement from the primary base station. While the examiner carefully considered and understands the extent of the applicant's arguments, the examiner believes that there is not enough detail in the claims to state that the mobile terminal must strictly initiate one action or another, or between transmitting the geographic position information and continuously transmitting a tone.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Eugene Yun  
Examiner  
Art Unit 2682

EY

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
EBC CENTER 2600